



General Assembly

Amendment

February Session, 2006

LCO No. 4215

HB0568604215HD0

Offered by:

REP. FONTANA, 87th Dist.

SEN. FONFARA, 1st Dist.

REP. DELGOBBO, 70th Dist.

To: Subst. House Bill No. **5686**

File No. 541

Cal. No. 362

"AN ACT CONCERNING WATER RESOURCE PLANNING."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 21a-86a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2006*):

5 (a) On or before [October 1, 1990] January 1, 2007, the Commissioner
6 of Consumer Protection, in consultation with the Secretary of the
7 Office of Policy and Management, the chairperson of the Public
8 Utilities Control Authority, the State Building Inspector and the
9 Commissioners of Public Health and Environmental Protection, shall
10 adopt regulations in accordance with the provisions of chapter 54
11 establishing minimum efficiency standards for plumbing fixtures [and
12 other water-using devices, as appropriate] and automatic lawn
13 sprinkler systems in accordance with subsection (b) of this section.

14 (b) The maximum water use allowed [in the regulations adopted
15 under subsection (a) of this section] for showerheads, urinals, faucets
16 and replacement aerators manufactured or sold on or after October 1,
17 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for
18 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen
19 faucets and replacement aerators, 2.5 gallons per minute, except that
20 lavatories in restrooms of public facilities shall be equipped with outlet
21 devices which limit the flow rate to a maximum of 0.5 gallons per
22 minute. The maximum water use allowed [in the regulations adopted
23 under subsection (a) of this section] for tank-type toilets, flushometer-
24 valve toilets, flushometer-tank toilets and electromechanical hydraulic
25 toilets manufactured or sold on or after January 1, 1992, shall be 1.6
26 gallons per flush, unless and until equivalent standards for similar
27 types of toilets are adopted by the American National Standards
28 Institute, Inc. Automatic lawn sprinkler systems that are installed on or
29 after October 1, 2006, shall be equipped with a rain sensor device or
30 switch that will automatically override the irrigation cycle of such
31 sprinkler system when adequate rainfall has occurred.

32 (c) Notwithstanding the provisions of subsection (b) of this section,
33 the Commissioner of Consumer Protection, after consultation with the
34 Secretary of the Office of Policy and Management, the chairperson of
35 the Public Utilities Control Authority, the State Building Inspector and
36 the Commissioners of Public Health and Environmental Protection,
37 may increase the level of efficiency for plumbing fixtures upon
38 determination that such increase would promote the conservation of
39 water and energy and be cost-effective for consumers who purchase
40 and use such fixtures. Any increased efficiency standard shall be
41 effective one year after its adoption.

42 (d) The Commissioner of Consumer Protection, in consultation with
43 the Secretary of the Office of Policy and Management, the chairperson
44 of the Public Utilities Control Authority, the State Building Inspector
45 and the Commissioners of Public Health and Environmental
46 Protection, shall adopt regulations in accordance with the provisions of
47 chapter 54 necessary to implement the provisions of sections 21a-86 to

48 21a-86g, inclusive. Such regulations shall provide for (1) the sale of
49 plumbing fixtures which do not meet the standards if the
50 commissioner determines that compliance is not feasible or an
51 unnecessary hardship exists, and (2) the sale of plumbing fixtures,
52 including, but not limited to, antique reproduction plumbing fixtures,
53 which do not meet the standards, provided such plumbing fixtures
54 were in stock in a store located in the state before October 1, 1990, if a
55 showerhead, urinal, faucet or replacement aerator or before January 1,
56 1992, if a tank-type toilet, flushometer-valve toilet, flushometer-tank
57 toilet or electromechanical hydraulic toilet.

58 Sec. 2. Section 21a-86b of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective October 1, 2006*):

60 No person may sell, offer for sale or install any new showerhead,
61 urinal, faucet or replacement aerator on and after October 1, 1990, [or]
62 any new tank-type toilet, flushometer-valve toilet, flushometer-tank
63 toilet or electromechanical hydraulic toilet on and after January 1,
64 1992, or any new automatic lawn sprinkler system on and after
65 October 1, 2006, unless such showerhead, urinal, faucet, replacement
66 aerator, tank-type toilet, flushometer-valve toilet, flushometer-tank
67 toilet, [or] electromechanical hydraulic toilet or automatic lawn
68 sprinkler system meets or exceeds the efficiency standards set forth in
69 regulations adopted by the Commissioner of Consumer Protection
70 pursuant to subsection (a) of section 21a-86a, as amended by this act,
71 or is authorized under the regulations adopted by the commissioner
72 pursuant to subsection (d) of said section 21a-86a.

73 Sec. 3. Section 25-33o of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective July 1, 2006*):

75 (a) The chairperson of the Public Utility Control Authority, or the
76 chairperson's designee, the Commissioner of Environmental
77 Protection, or the commissioner's designee, the Secretary of the Office
78 of Policy and Management, or the secretary's designee, and the
79 Commissioner of Public Health, or the commissioner's designee, shall

80 constitute a Water Planning Council to address issues involving the
81 water companies, water resources and state policies regarding the
82 future of the state's drinking water supply. [The chairperson of the
83 Public Utility Control Authority shall convene the first meeting of the
84 council.] On and after July 1, 2006, and annually thereafter, the
85 chairperson of the Water Planning Council shall be elected by the
86 members of the Water Planning Council.

87 (b) The Water Planning Council shall [conduct a study, in
88 consultation with representatives of water companies, municipalities,
89 agricultural groups, environmental groups and other water users, that
90 shall] review and update past reports that include the following issues:
91 (1) The financial viability, market structure, reliability of customer
92 service and managerial competence of water companies; (2) fair and
93 reasonable water rates; (3) protection and appropriate allocation of the
94 state's water resources while providing for public water supply needs;
95 (4) the adequacy and quality of the state's drinking water supplies to
96 meet current and future needs; (5) an inventory of land and land use
97 by water companies; (6) the status of current withdrawals, projected
98 withdrawals, river flows and the future needs of water users; (7)
99 methods for measurement and estimations of natural flows in
100 Connecticut waterways in order to determine standards for stream
101 flows that will protect the ecology of the state's rivers and streams; (8)
102 the status of river flows and available data for measuring river flows;
103 (9) the streamlining of the water diversion permit process; (10)
104 coordination between the Departments of Environmental Protection,
105 Public Health and Public Utility Control in review of applications for
106 water diversion; and (11) the procedure for coordination of planning of
107 public water supply systems established in sections 25-33c to 25-33j,
108 inclusive. [Such study shall be conducted on both a regional and state-
109 wide level.]

110 (c) The council shall establish an advisory group that shall be
111 balanced between consumptive and nonconsumptive interests. The
112 advisory group may include representatives of (1) regional and
113 municipal water utilities, (2) investor-owned water utilities, (3) a

114 wastewater system, (4) agricultural interests, (5) electric power
115 generation interests, (6) business and industry interests, (7)
116 environmental land protection interests, (8) environmental river
117 protection interests, (9) boating interests, (10) fisheries interests, (11)
118 recreational interests, (12) endangered species protection interests, and
119 (13) members of academia with expertise in stream flow, public health
120 and ecology.

121 [(c)] (d) The council shall, not later than [January 1, 2002] April 1,
122 2007, and annually thereafter, report its preliminary findings and any
123 proposed legislative changes to the joint standing committees of the
124 General Assembly having cognizance of matters relating to public
125 health, the environment and public utilities in accordance with section
126 11-4a, [except that not later than February 1, 2004, the council shall
127 report its recommendations in accordance with this subsection] with
128 regard to (1) a water allocation plan based on water budgets for each
129 watershed, (2) funding for water budget planning, giving priority to
130 the most highly stressed watersheds, and (3) the feasibility of merging
131 the data collection and regulatory functions of the Department of
132 Environmental Protection's inland water resources program and the
133 Department of Public Health's water supplies section.

134 Sec. 4. (NEW) (*Effective July 1, 2006*) (a) The Water Planning Council
135 shall perform the following functions:

136 (1) Review and prioritize the recommendations and the goals of the
137 Water Planning Council, and review the progress toward
138 accomplishing those goals in an annual report, due April first of each
139 year, to the joint standing committees of the General Assembly having
140 cognizance of matters relating to public health, the environment and
141 public utilities in accordance with section 11-4a of the general statutes;

142 (2) Compile information from other reports or studies regarding
143 water resource planning in the state;

144 (3) Establish a mechanism to perform an in-depth analysis of
145 existing statutes and regulations of the Department of Environmental

146 Protection, the Department of Public Health and the Department of
 147 Public Utility Control for areas of overlapping and conflicting or
 148 inefficient procedures;

149 (4) Review and summarize other states' regulatory programs and
 150 structures, relating to water resource planning, including, but not
 151 limited to, their approaches to water allocation;

152 (5) Identify processes and funding needs for the evaluation of
 153 existing water diversion data and approaches to basin planning
 154 projects and coordinate water data collection from, and analysis
 155 among, the Department of Environmental Protection, the Department
 156 of Public Health, the Department of Public Utility Control, the Office
 157 of Policy and Management and the United States Geological Survey,
 158 and recommend supplemental data collection, as appropriate;

159 (6) Evaluate existing water conservation programs and make
 160 recommendations to enhance water conservation programs to promote
 161 a water conservation ethic and to provide for appropriate drought
 162 response and enforcement capabilities; and

163 (7) Identify funding requirements and mechanisms for ongoing
 164 efforts in water resource planning in the state.

165 (b) The Department of Public Utility Control shall administer, in
 166 consultation with the Water Planning Council, the funds appropriated
 167 by the General Assembly for the ongoing expenses of the Water
 168 Planning Council, and shall supervise appropriate staff and any hired
 169 consultants of the Water Planning Council.

170 Sec. 5. Section 29-265b of the general statutes is repealed. (*Effective*
 171 *October 1, 2006*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	21a-86a
Sec. 2	<i>October 1, 2006</i>	21a-86b

Sec. 3	<i>July 1, 2006</i>	25-33o
Sec. 4	<i>July 1, 2006</i>	New section
Sec. 5	<i>October 1, 2006</i>	Repealer section